IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE THOTTATHIL B.RADHAKRISHNAN

FRIDAY, THE 30TH MARCH 2007 / 9TH CHAITHRA 1929

WP(C).No. 29725 of 2006()

PETITIONER:

M/S. CHANDRAGIRI CONSTRUCTION COMPANY,
3/4021 A, KARAL ROAD, WEST NADAKAVU,
CALICUT, KERALA, REPRESENTED BY ITS MANAGING
PARTNER K.M.MOHAMMED SHERIFF, RESIDING AT
PADOOR HOUSE, THEKKIL POST, KARAGODU.

BY ADV. SRI.J.S.AJITHKUMAR

RESPONDENTS:
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1. **THE SUPERINTENDING ENGINEER,**
   NH CENTRAL CIRCLE, COCHIN, VYTTILA,
   ERNAKULAM.

2. **THE CHIEF ENGINEER,**
   NATIONAL HIGHWAYS, THIRUVANANTHAPURAM.

3. **THE EXECUTIVE ENGINEER,**
   PWD, NATIONAL HIGHWAY (BRIDGES DIVISION),
   KODUNGALLUR.

4. **THE STATE OF KERALA, REPRESENTED BY**
   ITS SECRETARY, PUBLIC WORKS DEPARTMENT,
   THIRUVANANTHAPURAM.

5. **THE CHIEF MANAGER,**
   FEDERAL BANK LTD., M.G.ROAD,
   KASARAGOD-671 121.

BY GOVERNMENT PLEADERSMT.ANU SIVARAMAN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 30/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C) NO.29725/2006

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1:- COPY OF THE AGREEMENT EXECUTED ON 26.02.04 BY THE PETITIONER AND 1ST RESPONDENT.

EXT.P2:- COPY OF THE BANK GUARANTEE NO.71/04 OF PETITIONER.

EXT.P3:- COPY OF THE BANK GUARANTEE NO.72/04 OF PETITIONER./

EXT.P4:- COPY OF THE LETTER OF PETITIONER DT.27.11.04 TO 3RD RESPONDENT.

EXT.P5:- COPY OF THE LETTER OF PETITIONER DT.31.3.05 TO 3RD RESPONDENT.

EXT.P6:- COPY OF THE LETTER DT.6.7.05 ISSUED BY THE 2ND RESPONDENT TO MINISTRY OF SHIPPING ROAD TRANSPORT AND HIGHWAYS NEW DELHI.

EXT.P7:- COPY OF THE LETTER DT.18.8.05 OF PETITIONER TO THE 1ST RESPONDENT.

EXT.P8:- COPY OF THE LETTER PETITIONER TO IST RESPONDENT.

EXT.P9:- COPY OF THE NOTICE OF PETITIONER TO INVOKE ARBITRATION CLAUSE TO SETTLE THE DISPUTE.

EXT.P10:- COPY OF THE APPEAL FILED BY THE PETITIONER BEFORE THE 5TH RESPONDENT DT.10.12.03.

EXT.P11:- COPY OF THE MINUTES OF MEETING DT.29.8.06.

EXT.P12:- COPY OF THE LETTER DT.18.9.06.

EXT.P13:- COPY OF THE LETTER DT. 7.8.06. OF 3RD RESPONDENT TO THE 5TH RESPONDENT.

RESPONDENTS EXHIBITS

EXT.R1(a):- PROGRAMME CHART OF THE CONTRACTOR DT.22.8.06.

EXT.R1(b):- LETTER NO.RW/TRI/NH-17/OE /255/05 DT.17.10.06.

/TRUE COPY/

tss

THOTTATHIL B. RADHAKRISHNAN, J.

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WP(C).No. 29725 OF 2006-L

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Dated this the 30th day of March, 2007.

JUDGMENT

The learned Government Pleader, on instructions, submits that Ext.P10 cancellation of the contract has been revoked. This means that the invocation of the bank guarantee also stands revoked. This is recorded. Writ petition is closed.

THOTTATHIL B. RADHAKRISHNAN,
JUDGE.

Sha/-